

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9. F/V PEGASUS FISHERIES, INC.,  
10. Plaintiff,  
11. v.  
12. KOAM DEVELOPMENT Co., U.S.A., L.L.C.,  
13. Defendant.

IN ADMIRALTY  
Case No. \_\_\_\_\_  
COMPLAINT (46 U.S.C. § 31343)

15. COMES NOW the Plaintiff, F/V Pegasus Fisheries, Inc. (“Pegasus”), by and  
16. through its attorneys, Holmes Weddle & Barcott, P.C., and complains against Defendant  
17. KOAM Development Co., U.S.A., L.L.C. (“KOAM”), as set forth below.

## JURISDICTION

19. 1. Jurisdiction is based upon 28 U.S.C. § 1333, admiralty, and 28 U.S.C. § 1331,  
20. federal question, specifically 46 U.S.C. § 31343. This is an admiralty or maritime claim  
21. within the meaning of Fed. R. Civ. P. 9(h).

22. 2. Pegasus is the owner of the vessel MARY B, Official Number 511579  
23. (“Vessel”).

24. 3. Pegasus seeks a declaration that the Vessel is not subject to a certain Notice of  
25. Claim of Maritime Lien or to the maritime lien asserted therein.

1. 4. The Vessel is in Seattle, in the Western District of Washington.
2. 5. Pegasus is a corporation organized and existing under the laws of Washington.

3. **COUNT I**

4. **(No Maritime Lien)**

5. 6. Sang Kun Park, a member of KOAM, filed a Notice of Claim of Maritime  
6. Lien against the Vessel with the United States Coast Guard on October 16, 2014.  
7. 7. The Notice of Claim of Maritime Lien against the Vessel was recorded at  
8. BATCH 23251700, DOC #3. A copy of the Vessel abstract from the U.S. Coast Guard  
9. is attached hereto as **Exhibit A**.

10. 8. The maritime lien claimed by KOAM against the Vessel was for the amount  
11. of \$32,733.94 for repairs.

12. 9. Pegasus and KOAM entered into a Memorandum of Understanding (“MOU”)  
13. on September 2, 2013. The MOU created a joint venture.

14. 10. A joint venturer cannot acquire a maritime lien against a vessel.

15. 11. KOAM’s claimed maritime lien against the Vessel is invalid.

16. 12. The Notice of Claim of Maritime Lien is a cloud on the title to the Vessel and  
17. impairs the use and marketability of the Vessel.

18. **WHEREFORE**, Pegasus prays that the Court declare and award as follows:

19. 1. Declare that the Vessel MARY B is not subject to any maritime lien or Notice of  
20. Claim of Maritime Lien in favor of Pegasus.
21. 2. Enter such other and further relief as the court deems reasonable and just.

1. DATED this 9th day of April, 2015.  
2.

3. HOLMES WEDDLE & BARCOTT, P.C.  
4.

5. s/ John E. Casperson  
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COMPLAINT (46 U.S.C. § 31343) - 3  
Case No.

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